

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
:
UNITED STATES OF AMERICA : **THIRD PRELIMINARY ORDER**
- v. - : **OF FORFEITURE AS TO**
ROBERT EGAN, : **SUBSTITUTE ASSETS**
Defendant. : 10 Cr. 191 (JFK)
:
----- x

WHEREAS, on or about March 10, 2010, ROBERT EGAN the ("Defendant") was charged in a seven-count Indictment, 10 Cr. 191 (JFK) (the "Indictment"), with participating in a conspiracy to commit bank fraud and wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); and bank fraud, in violation of Title 18, United States Code, Sections 1344 and 2 (Counts Two through Seven);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Seven of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982 of any property constituting or derived from proceeds obtained directly or indirectly as a result of the offenses alleged in Counts One through Seven of the Indictment, including but not limited to a sum of money of at least \$75,000,000 in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Seven of the Indictment;

WHEREAS, the Indictment also included a substitute asset provision providing notice that if as a result of the Defendant's actions or omissions forfeitable property was unable

to be located or obtained, the United States would seek, pursuant to Title 21, United States Code, Section 853(p), the forfeiture of any other property of the Defendant;

WHEREAS, on or about September 15, 2010, the Defendant pled guilty to Counts One through Seven of the Indictment;

WHEREAS, on or about September 15, 2010, the Court entered a Consent Preliminary Order of Forfeiture of Specific Property (the “Order of Forfeiture”) (D.E 67) imposing a \$70,000,000 money judgement against the Defendant (the “Money Judgement”) and forfeiting all of Defendant’s right, title and interest in specific property (“Specific Property”);

WHEREAS, on or about April 12, 2012, the Court entered a Preliminary Order of Forfeiture as to Substitute Assets forfeiting certain assets of the Defendant to the Government;

WHEREAS, on or about April 11, 2014, the Court entered a Second Preliminary Order of Forfeiture as to Substitute Assets forfeiting additional assets of the Defendant to the Government;

WHEREAS, to date the \$67,000,000 of the Money Judgment against the Defendant remains unpaid;

WHEREAS, as a result of acts and omissions of the Defendant, the Government, despite its exercise of due diligence, with the exception of the Specific Property, has been unable to locate or obtain the proceeds of the offense of the Defendant’s conviction; and

WHEREAS, the Government has identified the following specific assets in which the Defendant has an ownership interest:

- a. Approximately \$213,505.77 in United States Currency held in Flagstar Bank ending in account number 6918 and held in the title of Robert Egan;

- b. Approximately \$5,342.04 in United States currency held in Flagstar Bank ending in account number 7435 and held in the title of Robert Egan;
- c. Approximately \$10,000.00 in United states currency held in Flagstar Bank ending in account number 7443 and held in the title of Iris M Egan or Robert Egan; and
- d. Approximately \$5,063.84 in United states currency held in Flagstar Bank ending in account number 7451 and held in the title of Iris M Egan or Robert Egan;

(a. through d., collectively, the “Substitute Assets”).

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

- 1. All of the Defendant’s right, title and interest in the Substitute Assets is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).
- 2. Upon entry of this Preliminary Order of Forfeiture as to Substitute Assets, the United States Marshal Service (or its designee) is hereby authorized to take possession of the Substitute Assets and to keep them in its secure, custody and control.
- 3. Upon entry of a Final Order of Forfeiture, the Substitute Assets shall be applied towards the Money Judgment entered against the Defendant.
- 4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to Substitute Assets and provide notice that any person, other than the defendant in this case, claiming an interest

in the Substitute Assets must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Assets, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Assets and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the Defendant, known to have an alleged interest in the Substitute Assets, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Assets, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Dated: New York, New York

September 6 , 2024

SO ORDERED:

Jessica Clarke

HONORABLE JESSICA G. L. CLARKE
UNITED STATES DISTRICT JUDGE